

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants note with appreciation the indication that claims 1-10 have been allowed (Official Action at page 1).

By the above amendments, claims 11 and 12 have been canceled without prejudice or disclaimer. Claims 1 and 7 have been amended for readability purposes by replacing the phrase "may be" with "are optionally". Process claim 13, which previously indirectly depended from claim 1, has been amended to incorporate the features of now canceled claim 11. By such amendment, process claim 13 now directly depends from claim 1. Process claim 13 has also been amended for clarification purposes to recite diluting the concentration of the composition according to claim 1.

Claim 14 has been amended for readability purposes to correct a typographical error. New dependent claims 19 and 20 have been added which are directed to processes of using the composition of claim 1. Support for new process claims 19 and 20 can be found in the specification at least at page 15, lines 1-3.

Applicants hereby affirm the oral election of Group I, claims 1-12, previously made on May 24, 2004.

Applicants respectfully request rejoinder of process claims 13-20 in the present application. The Official Action at page 3 discusses the rejoinder of certain process claims after election of product claims. In this regard, M.P.E.P. §821.04 states the following:

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP § 806.05(f) and § 806.05(h).

The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 809.02(c) and § 821 through § 821.03. However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

* * *

Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance [emphases added].

In the present case, each of process claims 13-20 directly or indirectly depends from product claim 1. Process claims 13-18 were initially presented in the originally filed application, and process claims 19 and 20 are being presented prior to issuance of a final rejection or notice of allowance. Accordingly, Applicants hereby request rejoinder of process claims 13-20 in the present application.

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,837,435 (*Abe*). Without addressing the propriety of the Examiner's comments concerning this rejection, it is noted that in an effort to expedite prosecution, claims 11 and 12 have been canceled by the above amendments. As such, it is apparent that the present §103(a) rejection is moot, and withdrawal of such rejection is respectfully requested.

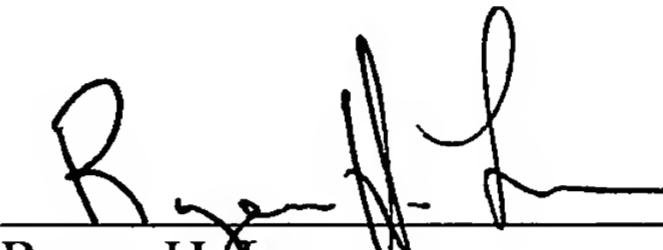
Applicants submit herewith a certified copy of Japanese Patent Application No. 2002-212674, filed July 22, 2002, to which the present application claims the benefit of foreign priority. The Patent Office is respectfully requested to acknowledge receipt of such document.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Roger H. Lee
Registration No. 46,317

Date: August 27, 2004

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620